

3513

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

Introduced by Sen. O'BRIEN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to regulation of bisphenol A in business transaction paper

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The environmental conservation law is amended by adding a
2 new section 37-0508 to read as follows:
3 S 37-0508. REGULATION OF BISPHENOL A IN BUSINESS TRANSACTION PAPER.
4 1. BISPHENOL A PROHIBITION IN BUSINESS TRANSACTION PAPER. NO PERSON,
5 FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION,
6 INCLUDING BANKING ORGANIZATIONS, SHALL DISTRIBUTE OR USE ANY
7 PAPER CONTAINING BISPHENOL A FOR THE RECORDING OF ANY BUSINESS OR BANKING
8 TRANSACTION INCLUDING, BUT NOT LIMITED TO, RECEIPTS, CREDITS, WITHDRAWALS,
9 DEPOSITS, AND CREDIT AND DEBIT CARD RECORDS.
10 2. PAPER MANUFACTURER RESPONSIBILITIES. A. NO PAPER MANUFACTURER SHALL
11 PRODUCE OR DISTRIBUTE ANY PAPER CONTAINING BISPHENOL A WHICH IS PROHIBITED
12 TO BE USED OR DISTRIBUTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.
13 B. ANY PAPER MANUFACTURER THAT PRODUCES PAPER CONTAINING BISPHENOL A
14 FOR THE PURPOSES REFERRED TO IN SUBDIVISION ONE OF THIS SECTION SHALL:
15 (1) NOT REPLACE BISPHENOL A WITH ANOTHER CHEMICAL COMPOUND THAT HAS
16 BEEN SCIENTIFICALLY ESTABLISHED TO BE A KNOWN HUMAN CARCINOGEN AS CLASSIFIED
17 BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, A DEVELOPMENTAL
18 TOXIN, AN ENDOCRINE DISRUPTOR OR A REPRODUCTIVE TOXIN;
19 (2) USE THE LEAST TOXIC ALTERNATIVE CHEMICAL COMPOUND TO REPLACE
20 BISPHENOL A;
21 (3) PROVIDE INFORMATION ON THE CHEMICAL COMPOUND USED TO REPLACE
22 BISPHENOL A TO THE DEPARTMENT; AND
23 (4) NOT MANUFACTURE SUCH PAPER UNTIL THE DEPARTMENT SHALL HAVE CERTIFIED
24 ALTERNATIVE CHEMICAL COMPOUNDS TO BISPHENOL A BASED UPON THE RECOMMENDATIONS
25 OF THE DEPARTMENT.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD04357-02-3

1 MENDATIONS OF THE ADVISORY COMMITTEE ON LEAST TOXIC ALTERNATIVES TO
2 BISPHENOL A.

3 3. DEPARTMENT RESPONSIBILITIES. A. THE DEPARTMENT SHALL CERTIFY THAT
4 ANY CHEMICAL COMPOUND USED TO REPLACE BISPHENOL A IN THE MANUFACTURE OF
5 PAPER PURSUANT TO SUBDIVISION TWO OF THIS SECTION IS:

6 (1) THE LEAST TOXIC ALTERNATIVE AVAILABLE; AND

7 (2) NOT A KNOWN HUMAN CARCINOGEN AS CLASSIFIED BY THE UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY, A DEVELOPMENTAL TOXIN, AN ENDOCRINE
9 DISRUPTOR OR A REPRODUCTIVE TOXIN.

10 B. NOT LESS THAN ONCE EVERY CALENDAR YEAR, THE DEPARTMENT SHALL UPDATE
11 THE REQUIREMENTS FOR CERTIFICATION OF LEAST TOXIC ALTERNATIVES TO
12 BISPHENOL A AND PROVIDE SUCH INFORMATION TO PAPER MANUFACTURERS SUBJECT
13 TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. FURTHERMORE, THE
14 DEPARTMENT SHALL ANNUALLY UPDATE ITS INFORMATION ON THOSE CHEMICAL
15 COMPOUNDS THAT ARE KNOWN HUMAN CARCINOGENS, DEVELOPMENTAL TOXINS, ENDOC-
16 RINE DISRUPTERS OR REPRODUCTIVE TOXINS, AND SHALL PROVIDE SUCH INFORMA-
17 TION TO PAPER MANUFACTURERS SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO
18 OF THIS SECTION. THE DEPARTMENT SHALL MAKE ALL INFORMATION COMPILED
19 PURSUANT TO THIS SUBDIVISION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S
20 INTERNET WEBSITE.

21 C. THE DEPARTMENT SHALL INVESTIGATE AND DETERMINE ACCEPTABLE METHODS
22 OF DISPOSAL AND RECYCLING OF BUSINESS TRANSACTION PAPER CONTAINING
23 BISPHENOL A SO AS TO ELIMINATE OR MINIMIZE EXPOSURE TO BISPHENOL A. THE
24 DEPARTMENT SHALL PROVIDE PUBLIC NOTICE OF THE SAFE PRACTICES FOR HANDL-
25 ING AND DISPOSING OF SUCH PAPER.

26 4. ADVISORY COMMITTEE ON LEAST TOXIC ALTERNATIVES TO BISPHENOL A. A.
27 WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT
28 SHALL CONVENE AN ADVISORY PANEL OF EXPERTS FOR THE PURPOSE OF ADVISING
29 THE DEPARTMENT ON LEAST TOXIC ALTERNATIVES TO BISPHENOL A. THE NAMES OF
30 THE MEMBERS OF THIS COMMITTEE SHALL BE AVAILABLE ON THE DEPARTMENT'S
31 WEBSITE.

32 B. THE ADVISORY COMMITTEE SHALL BE COMPOSED OF COMPETENT, INDEPENDENT
33 SCIENTISTS WHO HAVE NO CURRENT OR PAST EMPLOYMENT OR FINANCIAL CONFLICTS
34 OF INTEREST WITH MANUFACTURERS OF BISPHENOL A OR PRODUCTS CONTAINING
35 BISPHENOL A.

36 C. ADVISORY COMMITTEE MEMBERS SHALL HAVE SUBSTANTIAL EXPERIENCE IN
37 EVALUATING TOXICOLOGICAL AND EPIDEMIOLOGICAL DATA ON TOXIC CHEMICALS,
38 INCLUDING THEIR POTENTIAL CARCINOGENIC, ENDOCRINE DISRUPTIVE, REPRODUC-
39 TIVE, DEVELOPMENTAL OR NEUROLOGICAL EFFECTS. CHEMICALS CONSIDERED TO BE
40 TOXIC SHALL BE THOSE LIKELY TO CAUSE OR CONTRIBUTE TO ACUTE ILLNESS OR
41 CHRONIC IMPACTS NEGATIVELY ALTERING HUMAN BIOLOGICAL FUNCTIONS OR ABILI-
42 TY TO RESPOND TO ENVIRONMENTAL ASSAULTS.

43 D. THE ADVISORY COMMITTEE SHALL BE CONVENED WITHIN SIXTY DAYS OF THE
44 EFFECTIVE DATE OF THIS SECTION AND AT SUCH TIMES AS THE DEPARTMENT SEEKS
45 FURTHER RECOMMENDATIONS OR CLARIFICATIONS OF CURRENT DATA. ALL MEETINGS
46 AND PROCEEDINGS OF THE COMMITTEE SHALL BE SUBJECT TO THE PROVISIONS OF
47 ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

48 S 2. This act shall take effect on the one hundred eightieth day after
49 it shall have become a law.